

**REMARKS**

Claims 1-19 are all the claims pending in the application, with claims 1, 9, and 15 being the only independent claims. Support for the forgoing amendments may be found in, for example, at least Figs. 6 and 7 and para. 0038 of the published application.

Applicant notes with appreciation that the IDS papers filed on May 8, 2008, have been signed and acknowledged by the Examiner. Applicant looks forward to receiving acknowledgement of the IDS filed September 17, 2008, which was after the mailing date of the present Office Action.

The claims remain rejected as set forth in the last rejection. In particular, claims 1-8 and 15-19 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent Publication No. 2004/0031061 to McCalla et al. in view of U.S. Patent Publication No. 2004/0107439 to Hassell et al. Claims 9-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over McCalla in view of Hassell and further in view of U.S. Patent Publication No. 2004/0031058 to Reisman. Applicant respectfully traverses these rejections, and requests reconsideration and allowance of the pending claims in view of the following arguments.

**Claim Rejections - 35 U.S.C. §103**

Claims 1-8 and 15-19 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over McCalla in view of Hassell.

Claim 1 is directed toward a method which includes “automatically causing relative movement as between the segregated display area and the plurality of discrete indicators by changing position along a dimension of the two-dimensional display region of one of the segregated display area and the plurality of discrete indicators.”

The position of the Office Action is that in Fig. 3 of McCalla, display area 44 teaches the claimed “segregated display area” and category selector area 42 teaches the claimed “discrete indicators.” Applicant assumes *arguendo* that McCalla provides such teachings. The Action further reasoned that the category listings of category selector area 42 (News, Weather,

Entertainment, Sports, Business) “will all be automatically brought to the front of the display,” and such action represents moving of the category selector area 42 (discrete indicators) relative to the display area 44 (segregated display area). (Office Action, pg. 2, emphasis added). It is therefore the position of the Office Action that the claimed “relative movement” equates to the purported movement of the various items of category selector area 42.

#### **Category selector area 42 does not move**

As a first point of distinction, McCalla does not teach or suggest moving any of the items of category selector area 42. Each of these items (News, Weather, Entertainment, Sports, Business) remain in the same position, regardless of what else is occurring in the system. Applicant recognizes that one of these categories may be selected by user, which purportedly causes information items related to that category to be displayed on display area 44. (McCalla para. 0074). However, such selection of a category (e.g., Weather) does not in any way cause this item to move.

Furthermore, it has not been alleged that display area 44 (segregated display area) is subject to any movement. Consequently, it is established that neither the items of category selector area 42 (discrete indicators,” nor display area 44 (segregated display area), are moved in any way. Since neither of these elements is moved, then such elements cannot therefore teach “causing relative movement as between the segregated display area and the plurality of discrete indicators,” as required by claim 1.

#### **Highlighting is not moving**

As a second point, Applicant again notes the contention in the Office Action that the category listings of category selector area 42 (News, Weather, Entertainment, Sports, Business) “will all be automatically brought to the front of the display.” (Office Action, pg. 2, emphasis added). However, the feature of McCalla to which the Office Action relies upon relates to a user highlighting a particular tab of category of area 42. For the sake of argument, Applicant assumes that selecting of the various items or tabs of category selector area 42 will cause the selected tab

to be highlighted and the previously-selected tab to be unhighlighted. Para. 0052 of McCalla seems to suggest such an arrangement. With this understanding, Fig. 3 shows that the News tab is highlighted and the remaining tabs (Weather, Entertainment, Sports, Business) are unhighlighted.

McCalla therefore relates to highlighting tabs of categories of category selector area 42. This is quite different than moving a category “to the front” as suggested by the Office Action. Applicant emphasizes that McCalla relates to highlighting a category, not moving a category. Since there is no movement of the categories of category selector area 42, McCalla again fails to teach the claimed “causing relative movement as between the segregated display area and the plurality of discrete indicators.”

#### **No relative movement in a two-dimensional display region**

As a third point, Applicant assumes *arguendo* that the so-called highlighting of a category of category selector area 42 can somehow be interpreted as moving such a category. Even if this were correct, claim 1 remains distinguishable for at least the following reasons.

Recall that claim 1 recites “automatically causing relative movement as between the segregated display area and the plurality of discrete indicators by changing position along a dimension of the two-dimensional display region of one of the segregated display area and the plurality of discrete indicators.”

Applicant further assumes, for the sake of argument, that screen 12 of Fig. 3 discloses a two-dimensional display region. Even if this were true, neither category selector area 42 (discrete indicators) nor display area 44 (segregated display area) move in any dimension of the two-dimensional display region of screen 12. Perhaps the category highlighting or moving of category selector area 42 could be construed as moving in some third dimension (i.e., a dimension that is normal to a plane of the page of Fig. 3). However, even if this were the case, the category highlighting or moving of category selector area 42 is not along a dimension of the two-dimensional display region of screen 12. Any purported relative movement between category selector area 42 (discrete indicators) and display area 44 (segregated display area)

occurs in a dimension other than the two-dimensional display region screen 12. Consequently, McCalla fails to teach or suggest “changing position along a dimension of the two-dimensional display region of one of the segregated display area and the plurality of discrete indicators,” as required by claim 1.

Applicant has demonstrated that McCalla does not teach the identified features recited in claim 1. Therefore, for the reasons presented above, even if one skilled in the art were to combine the teachings of McCall and Hassell in the manner asserted, claim 1 would be patentable since all of the recited claim elements are not taught or reasonably suggested. Independent claim 15 includes language similar to that of claim 1, and thus, is believed to be patentable for reasons similar to those discussed with regard to claim 1. The rejected dependent claims 2-8, 16-19 are believed to be patentable at least by virtue of their respective dependence on the patentable independent claims 1 and 15.

#### **Claim Rejections - 35 U.S.C. §103**

Claims 9-14 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over McCalla in view of Hassell and further in view of Reisman.

Applicant has demonstrated above that McCall and Hassell do not teach or suggest various features recited in claim 1. Applicant further submits that Reisman does not remedy any of the identified deficiencies of McCalla and Hassell. Accordingly, since independent claim 9 includes language similar to that of claim 1, claim 9 is believed to be patentable for reasons similar to those discussed with regard to claim 1. Moreover, dependent claims 8-14 are also believed to be patentable at least by virtue of their dependence on patentable claim 9.

**CONCLUSION**

In view of the above, Applicant submits that the currently pending claims are in condition for allowance. Early issuance of a Notice of Allowance is respectfully requested.

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